

**Testimony of Matthew Rodriquez**  
**Secretary, California Environmental Protection Agency**  
**Clean Car Standards Rollback Hearing**  
**Fresno, California**  
**September 24, 2018**

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I am Matthew Rodriquez, California Secretary for Environmental Protection. I am joined here today by many state government colleagues to explain why California is vehemently opposed to this proposed rule. This proposal to retreat from current national standards is unsupported by science or technology and, if adopted, would ultimately hurt consumers, inject significant uncertainty into the automobile industry, jeopardize public health and undermine our efforts to protect our air and climate. Further, the challenge to California's authority to develop vehicle emissions standards is illegal and disregards a successful, decades long federal-state partnership that states use to protect their people.

I will focus on how this proposal undermines the cooperative federalism that this administration purports to endorse. Cooperative federalism, as exemplified by the previous agreement on vehicle standards between California, the National Highway Traffic Safety Administration and U.S. EPA, serves as a foundation for federal environmental law, and expresses a shared commitment to enhance – not diminish – protections for the public.

Cooperative federalism is embedded in the 10<sup>th</sup> Amendment to our nation's constitution, which grants states police powers to protect the public's health, welfare, and safety. And, as Justice Brandeis famously wrote, it is one of the incidents of this federal system that this allows states

to serve as laboratories of experimentation. Indeed, the denial of this system “may be fraught with serious consequences to the nation.”

California is a testament to the success of this paradigm. California has long been a pioneer in controlling air pollution, spurring technological innovation and protecting public health. In particular, California is synonymous with cars -- it is home to over 30 million light duty vehicles -- and we have been leaders in both designing transportation systems and regulating vehicle emissions. The state was, for example, instrumental in uncovering the attempts by Volkswagen to evade state and federal emissions controls.

In drafting the Clean Air Act, Congress recognized the special role played by California. The Act initially preserved the state’s regulatory authority over mobile source pollution and was later specifically amended to allow other states to adopt California’s standards.

States have taken advantage of this authorization and currently twelve states and the District of Columbia have adopted California standards. Sixteen states have joined with California in litigation to resist the attempt to relax these standards. A resolution from the Environmental Council of the States, which was reaffirmed just last year, supports the continuing right of California and other states to adopt emissions standards that are more stringent than federal standards.

We have relied on this authority for almost five decades, to the great benefit of the public. Air quality has improved, preventing asthma and premature deaths around the state and country – including here in Fresno. Beginning in 2008, we successfully worked with the federal government to incorporate greenhouse gas reductions into our partnership because these

pollutants worsen our air quality problems, fuel droughts and wildfires, and contribute to rising sea levels brought on by climate change.

The current national program also benefits the auto industry, which sold more than 17 million vehicles in 2015, 2016 and 2017. Ill-conceived changes to the program now will only create doubt and set U.S. auto manufacturing on an uncertain path as the rest of the world continues to develop safe, advanced vehicles.

This proposal ignores the health, economic and environmental harms caused by vehicle emissions, rolls back years of joint scientific and regulatory work, and rejects repeated rulings of the Supreme Court and federal courts. The reality of this proposal is stark: the federal government intends to turn its back on California, and on every other state that would choose to adopt California's standards to help protect their people.

Be assured that California will fight to protect its right to safeguard the health and wellbeing of our people. We will resist at every step this administration's effort to take away the ability of the states to do what is right for our families, our economy and our future.

Thank you.

**Testimony of Mary Nichols**  
**Chair, California Air Resources Board**  
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I am Mary Nichols, Chair of the California Air Resources Board. I am here today to ask U.S. EPA and NHTSA to withdraw their incongruously named “SAFE” rule. There is nothing safe about this proposal. It turns its back on decades of progress in cleaning up cars and trucks; ignores available and cost-effective clean vehicle technology; wastes gasoline; and pumps more climate-changing gases into the atmosphere.

It also blows a hole in our efforts to meet health- based standards for air pollution – a point that carries additional weight here in Fresno, which is, along with the Los Angeles Basin, ground zero for the most stubbornly persistent violations of air standards in the nation.

For 50 years, California and EPA have collaborated at the technical level to advance key improvements in vehicle technology. As a result, vehicles are longer lasting and the air is cleaner. That is how Congress intended the Clean Air Act to work, and the reason why federal law recognizes California and other states that choose to adopt our standards.

The capstone of this cooperative federalism is the “one national program”, addressing fuel economy and greenhouse gas standards. It was developed in response to a request by automakers, and has been place for a decade now, benefitting consumers, automakers and the environment alike. But your proposal deals a mortal blow to this remarkably successful program.

We will be filing extensive technical comments on the document, but I would like to briefly touch on three issues here.

First, the proposal to attack California's vehicle emissions authority is nothing more than a flabby exercise in muscle flexing. It rests on a flawed understanding of the role of the Energy Policy and Conservation Act that two federal courts have already rejected. Withdraw it!

Second, the proposal pumps tons of additional carbon pollution into the atmosphere – at a time when the evidence of changing climate is all around us. We will not sit idly by as you propose to flat line our efforts. We must continue to insist on cars that produce fewer emissions, including millions more zero-emission vehicles.

Third, the technical analysis simply makes no sense. You claim that cleaner and more fuel-efficient vehicles will be so prohibitively expensive that Americans nationwide will stop buying new cars. The solution? Build dirtier, more polluting cars: Consumers, who will now pay more at the pump to fill up, will drive less thereby causing fewer accidents and saving lives.

These claims are absurd and not supportable by fact. Over the past several years, automakers are seeing record sales of cars that feature a wider range of active safety elements AND that are also cleaner,

In conclusion: this proposal is fraught with the risk of years of litigation, delay and uncertainty. This is the result of a complete lack of interest in, or respect for, the benefits of a clear and long-term policy that rewards investments, and creates jobs tied to public health and consumer protection.

California will take the necessary actions to protect our people and follow the law. It is not too late to choose a better way.

**Testimony of Drew Bohan**  
**Executive Director, California Air Resources Board**  
**Clean Car Standards Rollback Hearing**  
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Good morning. My name is Drew Bohan and I am the Executive Director of the California Energy Commission. I join my colleagues this morning in our request to withdraw the proposed rollback.

California's policies envision a California filled with cars and trucks that don't pollute, that don't make people sick and don't obscure entire mountain ranges that are only tens of miles away. This vision is entirely within our reach.

But don't take it from California. Listen to what the automakers in this country and around the world are saying. According to the CEO of GM, "General Motors believes the future is all electric."

Ford's CEO said last week, "We're in favor of keeping the standard, not a rollback. We have plans to meet it."

In Europe, last year Volvo said that starting next year it will offer no vehicles without an electric motor. In Japan, Toyota says all of its vehicles will be zero emission by 2050. And China? China is dominating the electric vehicle market, and is on track to sell over 1 million electric vehicles in 2018 alone.

In California — just one state — we are making tremendous progress. We already have 450,000 Zero Emission Vehicles on our roads. And virtually all of those have been added in just the last decade.

This transition to ZEVs is accelerating, with sales in July and August of this year beating all previous records – a trend we anticipate will continue as consumers see how inexpensive and exciting these cars are to operate.

The state is supporting this transition. The California Energy Commission has invested nearly \$200 million in standing up the infrastructure that enables zero-emission vehicles. The state's leadership has spurred additional investments by utilities, local governments, and the private sector.

Today we have over 17,000 public charging outlets, thousands more private chargers at businesses, and still more chargers at individual homes. We also have a growing network of public hydrogen stations.

Cleaning up our vehicle fleet is critical to the health of all Californians. Cars and trucks are responsible for 80% of NOx emissions and 95% of diesel particulate matter which make Californians sick, particularly here in the San Joaquin Valley.

Cars and trucks, along with refineries, also represent the largest source — about half — of all greenhouse gas emissions in California.

We are feeling the impact here in California of the overproduction of greenhouse gases. California is seeing reduced snowpack and increased drought, more frequent heat waves, erosion of our beaches, and more and bigger wildfires. Indeed, eight of California's largest, deadliest, and most destructive wildfires have occurred in the last two years.

California is marching toward a clean and prosperous future. The proposed rules represent a step backward. California is prepared to defend the health of its residents and economy.